



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

AUG 18 2011

Patrick W. Goddard, Director of Public Facilities
Town of Lexington
201 Bedford Street
Lexington, Massachusetts 02420

Re: PCB Cleanup and Disposal Approval under §§ 761.61(a) and (c)
Estabrook Elementary School, Lexington, Massachusetts

Dear Mr. Goddard:

This is in response to the Town of Lexington Notification¹ to address PCB-contaminated soils on the property known as the Estabrook Elementary School, 117 Grove Street, Lexington, Massachusetts (the Site). The Site contains PCB-contaminated soils that exceed the allowable PCB levels for unrestricted use under the federal PCB regulations at 40 CFR § 761.61(a). The Town has requested an approval to clean up and dispose of the PCB-contaminated soils located at the Site under the PCB self-implementing cleanup and disposal option (SIP) at 40 CFR § 761.61(a).

In its Notification, the Town is proposing to remove and dispose of PCB-contaminated soils with greater than ($>$) 1 part per million (ppm). Post-excavation verification sampling will be conducted in accordance with 40 CFR Part 761, Subpart O to confirm that the PCB cleanup standard of less than or equal to (\leq) 1 ppm has been met.

With the exception of the sampling frequency for disposal, the Town's Notification meets the requirements at § 761.61(a)(3). Based on the characterization sampling results and the proposed PCB soil cleanup plan, the characterization sampling is adequate to determine the PCB concentrations for purposes of off-site disposal. EPA has determined that disposal of the soil based on the alternative sampling will not result in an unreasonable risk to public health or the environment. EPA applies this unreasonable risk standard in accordance with the PCB regulations at 40 CFR § 761.61(c), and the Toxic Substances Control Act, at 15 USC § 2605(e).

¹ Information was submitted on behalf of the Town by Environmental Health & Engineering. The information was provided to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information was provided dated August 5, 2011 (SIP) and August 16, 2011 (e-mail agency notifications) and shall be referred to as the "Notification."

The Town may proceed with its cleanup in accordance with §§ 761.61(a) and (c); its Notification; and this Approval, subject to the conditions of Attachment 1.

This Approval applies solely to *PCB remediation waste* located at the Site as identified in the Notification. This Approval does not address cleanup of PCBs or mitigation measures associated with the Site building, which is being evaluated separately.

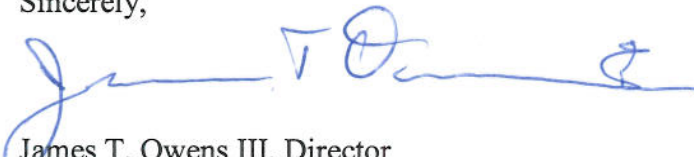
This Approval does not release the Town from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCB-contaminated soils under the Massachusetts Department of Environmental Protection (MassDEP) regulations and the Massachusetts Contingency Plan.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Mail Code: OSRR07-2
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,



James T. Owens III, Director
Office of Site Remediation & Restoration

Attachment 1

cc: C. Campisano, EH&E
MassDEP NERO RTN: 3-29547
File

ATTACHMENT 1:

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
ESTABROOK ELEMENTARY SCHOOL (the Site)
117 GROVE STREET, LEXINGTON, MASSACHUSETTS**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to *PCB remediation waste* located at the Site as identified in the Notification². This Approval does not address cleanup of PCBs or mitigation measures associated with the Site building.
2. The Town of Lexington (the Town) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The Town must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the Town shall contact EPA within 24 hours for direction on sampling and cleanup requirements.
6. The Town is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the Town has or receives information indicating that the Town or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the Town are authorized to conduct the activities set forth in the Notification. The Town is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

² Information was submitted on behalf of the Town by Environmental Health & Engineering. The information was provided to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information was provided dated August 5, 2011 (SIP) and August 16, 2011 (e-mail agency notifications) and shall be referred to as the "Notification."

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the Town from compliance with any applicable requirements of federal, state or local law; or 3) release the Town from liability for, or otherwise resolve any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from the Town of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. The Town shall notify EPA in writing of the scheduled date of commencement of on-site activities at least 1 business day prior to conducting any work under this Approval.
11. Prior to initiating onsite work under this Approval, the Town shall submit the following information:
 - a. a certification signed by its selected remediation contractor, stating that the contractor has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the sample extraction, analytical and quality assurance requirements specified in the Notification and in this Approval; and,
 - c. a contractor work plan, prepared and submitted by the selected contractor(s), detailing the procedures that will be employed for removal of PCB-contaminated wastes, including dust suppression, during removal activities. This work plan should also include information on waste storage, handling, and disposal for each waste stream type and for equipment decontamination.

REMEDIAL AND DISPOSAL CONDITIONS

12. The cleanup level for *PCB remediation waste* (i.e. soil) at the Site shall be less than or equal to (\leq) 1 ppm.
 - a. Bulk *PCB remediation waste* (i.e. soil) samples shall be collected on a bulk basis (e.g. mg/Kg) and reported on a dry-weight basis. Verification sampling shall comply with Subpart O; samples shall be collected from both excavation bottoms and sidewalls, as applicable.

- b. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
 - c. In the event that visible caulk debris is present in the soils or the grass/turf covered work areas that will be cleaned up under the Notification, this debris shall be removed and disposed of as a *PCB bulk product waste* in accordance with § 761.62.
 - d. In the event that visible caulk debris is present in soils or other ground surfaces that are not proposed for cleanup under the Notification, the Town shall contact EPA for discussion on sampling and/or cleanup requirements.
13. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5) and § 761.62, unless otherwise specified below:
- a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

14. The Town shall allow any authorized representative of the Administrator of the EPA to inspect the Site, to inspect records, and to take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the Town to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.

15. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
16. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
17. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; or, if EPA finds that these activities present an unreasonable risk to public health or the environment.

RECORDKEEPING AND REPORTING CONDITIONS

19. The Town shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and the analytical sampling shall be established and maintained by the Town in one centralized location until such time as EPA authorizes, in writing, an alternative disposition for such records. All records shall be made available for inspection by authorized representatives of EPA.
20. The Town shall submit a final report to EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the cleanup and disposal activities; characterization and confirmation sampling analytical results (as applicable); copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the remediated area(s); copies of manifests; and copies of certificates of disposal or similar certifications issued by the disposer.

21. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Mail Code: OSRR07-2
Boston, Massachusetts 02109-3912

22. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.

END OF ATTACHMENT 1